

killed sawtimber and 1500 tons of fire killed biomass on approximately 250 acres using tractor and mechanical thinning logging systems. A total of 2.4 milses of road construction would be required.

(3) This alternative proposes to salvage 2.6 MMBF of fire killed timber and 1500 tons of biomass on approximately 250 acres using helicopter logging systems. The purchaser would be required to remove all the 4 inch dbh and larger fire killed trees in excess of wildlife requirements. No new roads would be constructed.

(4) This alternative proposes to salvage 2.6 MMBF of fire killed timber on approximately 250 acres using helicopter logging systems. The purchaser would remove all 10 inch dbh and larger fire killed trees in excess of wildlife requirements. A service contract would thin the sub-merchantable trees and treat excess slash. No new roads would be constructed.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**. The draft environmental impact statement is expected to be available by March of 1995.

The Forest Service believes, at this early stage, it is important to give reviewer's notice of several court rulings related to public participation in the environmental review process. First, reviewer's of the draft environmental impact statement must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *City of Angoon v. Hodel*, (9th Circuit, 1986 and *Wisconsin Heritages, Inc. v. Harris*, 495 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issue and concerns on the proposed action, comments on the draft environmental

impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of The National Environmental Policy Act at CFR 1503.3 in addressing these points.

The responsible official for the Forest Service is Michael R. Williams, District Ranger, Almanor Ranger District, Lassen National Forest, P.O. Box 767, Chester, California 96020.

Dated: December 22, 1994.

**Elizabeth Norton,**

*Acting Forest Supervisor, Lassen National Forest.*

[FR Doc. 95-2670 Filed 2-1-95; 8:45 am]

BILLING CODE 3410-11-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-357-810]

#### **Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Oil Country Tubular Goods From Argentina**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**EFFECTIVE DATE:** February 2, 1995.

**FOR FURTHER INFORMATION CONTACT:** John Beck or Stuart Schaag, Office of Antidumping Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 482-3464 or (202) 482-0192, respectively.

#### **Preliminary Determination**

We preliminarily determine that oil country tubular goods (OCTG) from Argentina are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

#### *Case History*

Since the initiation of this investigation on July 20, 1994 (59 FR 37962, July 26, 1994), the following events have occurred.

On August 15, 1994, the U.S. International Trade Commission (ITC) issued an affirmative preliminary determination.

On August 26, 1994, the Department determined that Siderca S.A.I.C. (Siderca), an Argentine exporter of the subject merchandise, should be the sole recipient of the antidumping questionnaire. This company accounted for at least 60 percent of exports of OCTG from Argentina during the period of investigation (POI).

On August 26, 1994, the Department sent an antidumping duty questionnaire to Siderca. The Department received initial questionnaire responses in September, October and November 1994. The Department received deficiency questionnaire responses in December 1994, and January 1995.

On November 1, 1994, the Department determined that Siderca's home market was not viable within the meaning of section 773(a)(1)(B) of the Act and 19 CFR 353.48, and that the People's Republic of China (PRC) was the appropriate third-country market for this investigation (see the November 1, 1994, memorandum from David L. Binder to Richard W. Moreland). This decision was consistent with our decision not to expand the period of investigation to include home market sales made pursuant to long-term contracts (see the November 3, 1994, memorandum from Richard W. Moreland to Barbara R. Stafford).

On November 10, 1994, Koppel Steel Corporation, U.S. Steel Group (a unit of USX Corporation) and USS/Kobe Steel Company, (the petitioners), timely requested that the Department postpone the preliminary determination in accordance with section 733(c)(1) of the Act (19 U.S.C. 1673b(c)(1)), and 19 CFR 353.15(c). We did so on November 15, 1994 (59 FR 60130, November 22, 1994).

On December 12, 1994, the petitioners submitted an allegation of sales at prices below the cost of production (COP) based on Siderca's sales to the PRC. The Department initiated a COP investigation on January 13, 1995 (see the January 13, 1995, memorandum from Gary Taverman to Barbara R. Stafford).

On December 16, 1994, Siderca timely requested that the final determination be postponed in accordance with 19 CFR 353.20(b) in the event of an affirmative preliminary determination.

#### *Scope of Investigation*

For purposes of this investigation, OCTG are hollow steel products of circular cross-section, including oil well casing, tubing, and drill pipe, of iron (other than cast iron) or steel (both

carbon and alloy), whether seamless or welded, whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished or unfinished (including green tubes and limited service OCTG products). This investigation does not cover casing, tubing, or drill pipe containing 10.5 percent or more of chromium. The OCTG subject to this investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.20.10.00, 7304.20.10.10, 7304.20.10.20, 7304.20.10.30, 7304.20.10.40, 7304.20.10.50, 7304.20.10.60, 7304.20.10.80, 7304.20.20.00, 7304.20.20.10, 7304.20.20.20, 7304.20.20.30, 7304.20.20.40, 7304.20.20.50, 7304.20.20.60, 7304.20.20.80, 7304.20.30.00, 7304.20.30.10, 7304.20.30.20, 7304.20.30.30, 7304.20.30.40, 7304.20.30.50, 7304.20.30.60, 7304.20.30.80, 7304.20.40.00, 7304.20.40.10, 7304.20.40.20, 7304.20.40.30, 7304.20.40.40, 7304.20.40.50, 7304.20.40.60, 7304.20.40.80, 7304.20.50.10, 7304.20.50.15, 7304.20.50.30, 7304.20.50.45, 7304.20.50.50, 7304.20.50.60, 7304.20.50.75, 7304.20.60.10, 7304.20.60.15, 7304.20.60.30, 7304.20.60.45, 7304.20.60.50, 7304.20.60.60, 7304.20.60.75, 7304.20.70.00, 7304.20.80.00, 7304.20.80.30, 7304.20.80.45, 7304.20.80.60, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.20.10.30, 7306.20.10.90, 7306.20.20.00, 7306.20.30.00, 7306.20.40.00, 7306.20.60.10, 7306.20.60.50, 7306.20.80.10, and 7306.20.80.50.

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

#### *Applicable Statute and Regulations*

Unless otherwise indicated, all citations to the Statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

#### *Period of Investigation*

The POI is January 1, 1994, through June 30, 1994.

#### *Such or Similar Comparisons*

We have determined for purposes of the preliminary determination that the OCTG covered by this investigation comprises a single category of "such or similar" merchandise within the meaning of section 771(16) of the Act. Where there were no sales of identical

merchandise in the third country to compare to U.S. sales, we made similar merchandise comparisons on the basis of the characteristics listed in Appendix V of the Department's antidumping questionnaire.

The Appendix V criteria were intended to avoid matching casing and tubing products. However, in using the product matches supplied by Siderca, a casing product was matched to a tubing product in two instances. Therefore, we modified the Appendix V criteria to match, whenever possible, U.S. sales of tubing with PRC sales of tubing and U.S. sales of casing with PRC sales of casing, by making that the primary matching criterion.

Thus, we made similar merchandise comparisons on the basis of: (1) Whether OCTG is casing or tubing; (2) whether OCTG is seamless or welded; (3) the grade of OCTG finish; (4) end finish; (5) outside diameter; (6) OCTG length; (7) full-body normalization; and (8) wall thickness (see the January 24, 1995, memorandum from John Beck to David L. Binder for a detailed discussion).

In certain other instances, Siderca did not follow correctly the Department's matching hierarchy instructions. We have corrected the product concordance for these problems (see the January 24, 1995, memorandum from John Beck to David L. Binder for a detailed discussion).

We made adjustments, where appropriate, for differences in the physical characteristics of the merchandise, in accordance with section 773(a)(4)(C) of the Act.

#### *Fair Value Comparisons*

To determine whether Siderca's sales of OCTG from Argentina to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

#### *United States Price*

We based USP on exporter's sales price (ESP), in accordance with section 772(c) of the Act, because the subject merchandise was sold to the first unrelated purchaser after importation into the United States.

For OCTG that was further manufactured in the United States, we deducted all value added in the United States, pursuant to section 772(e)(3) of the Act. The value added consists of the costs of the materials, fabrication, and general expenses associated with the portion of the merchandise further manufactured in the United States, as

well as a proportional amount of profit attributable to the value added. We accepted Siderca's cost data without making any adjustments for purposes of the preliminary determination. We calculated profit by deducting from the sales price of the finished product all production and selling costs incurred by the company. We then allocated the total profit proportionately to all components of cost. We deducted only the profit attributable to the value added. In determining the costs incurred to produce the finished merchandise, we included: (1) Materials; (02) fabrication; and (3) general expenses including selling (SG&A), and interest expenses.

We calculated ESP based on packed, delivered and ex-U.S. warehouse prices to unrelated customers in the United States. We made deductions from gross unit price, where appropriate, for foreign loading charges, foreign inland freight, ocean freight, marine insurance, U.S. duty, U.S. inland freight, U.S. handling, U.S. brokerage, credit expense and U.S. and Argentine indirect selling expenses, including technical services, inventory carrying costs, and other U.S. and Argentine indirect selling expenses. Finally, we added duty drawback and duties uncollected by reason of exportation.

For certain sales, Siderca had not yet shipped or received payment for the sale. In order to calculate credit expenses, we assigned the average number of credit days when shipment and payment dates were missing, and used the date of the preliminary determination, January 26, 1995, as the assumed payment date when only payment dates were missing (see the January 26, 1995, concurrence memorandum).

#### *Foreign Market Value*

We compared the volume of home market sales of subject merchandise to the volume of third-country sales to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating FMV, in accordance with section 773(a)(1)(B) of the Act. Pursuant to 19 CFR 353.48, we found that the home market was not viable because it represented less than five percent of the amount sold to third countries. We therefore based FMV on third-country sales.

We determined, pursuant to 19 CFR 353.49(b), that the PRC is the most appropriate third-country market because: (1) The volume of Siderca's PRC sales during the POI was the largest of any third country; (2) the merchandise exported to the PRC is

most similar or identical to the merchandise exported to the United States; and (3) Siderca's sales to the PRC were to an OCTG market whose organization and development were similar to that of the U.S. market based on our analysis of the sales and distribution process for those sales. However, petitioner has questioned the legitimacy of certain sales made by Siderca to the Chinese market. The Department intends to scrutinize these sales at verification.

#### *Cost of Production Analysis*

Based on the petitioners' allegation that Siderca is selling OCTG in the PRC at prices below its COP, the Department initiated a COP investigation for the PRC sales of Siderca. Although this COP investigation was not initiated until January 13, 1995, Siderca submitted its cost information before this date. The Department was, therefore, able to use this information for purposes of the preliminary determination.

In order to determine whether the third-country prices were above the COP, we calculated the COP based on the sum of Siderca's reported cost of materials, fabrication, general expenses, and packing. We accepted Siderca's cost data without making any adjustments for purposes of the preliminary determination.

#### *Results of COP Analysis*

Under our standard practice, where we find that less than 10 percent of a company's sales are at prices below the COP, we disregard any below-cost sales because that company's below-cost sales were not made in substantial quantities. Where we find between 10 and 90 percent of the company's sales were at prices below the COP, and the below-cost sales were made over an extended period of time, we disregard only the below-cost sales. Where we find that more than 90 percent of the company's sales were at prices below the COP, and the sales were made over an extended period of time, we disregard all sales for that product and calculate FMV based on constructed value (CV).

In accordance with section 773(b)(1) of the Act, in order to determine whether below-cost sales were made over an extended period of time, we compare the number of months in which below-cost sales occurred for each product to the number of months in the POI in which that product was sold. If a product was sold in three or more months of the POI, we do not exclude below-cost sales unless there were below-cost sales in at least three months during the POI. When we find that sales of a product only occurred in

one or two months, the number of months in which the sales occurred constituted the extended period of time; i.e., where sales of a product were made in only two months, the extended period of time was two months, where sales of a product were made in only one month, the extended period of time was one month (see the Preliminary Results and Partial Termination of Antidumping Duty Administrative Review: Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan (58 FR 69336, 69338, December 10, 1993).

Based on this preliminary analysis, none of Siderca's PRC sales were found to be below cost. Accordingly, we calculated FMV based on packed, FOB and C&F prices to unrelated customers in the PRC. In light of the Court of Appeals for the Federal Circuit's (CAFC) decision in *Ad Hoc Committee of AZ-NM-TX-FL Producers of Gray Portland Cement v. United States*, Slip. Op. 93-1239 (Fed. Cir., January 4, 1994), the Department no longer can deduct third country market movement charges from FMV pursuant to its inherent power to fill in gaps in the antidumping statute. Instead, we will adjust for those expenses under the circumstance-of sale provision of 19 CFR 353.56(a), as appropriate. Accordingly, in the present case, we deducted from FMV the following direct selling expenses pursuant to 19 CFR 353.56(a): foreign loading charges, foreign inland freight and ocean freight.

We also made deductions from gross unit price, where appropriate, for credit expense, commissions and warranties. We deducted indirect selling expenses, including, where appropriate, technical services, inventory carrying costs and other indirect selling expenses, up to the amount of indirect selling expenses incurred on U.S. sales, in accordance with 19 CFR 353.56(b)(2). We deducted third-country packing costs and added U.S. packing costs. Finally, we added duty drawback and duties uncollected by reason of exportation.

For certain sales, Siderca had not yet shipped or received payment for the sale. In order to calculate credit expenses, we applied the same methodology described above for USP.

#### *Currency Conversion*

Because certified exchange rates for Argentina were unavailable from the Federal Reserve, we made currency conversions for expenses denominated in Argentine pesos based on the official monthly exchange rates in effect on the dates of the U.S. sales as published by the International Monetary Fund.

#### *Verification*

As provided in section 776(b) of the Act, we will verify the information used in making our final determination.

#### *Suspension of Liquidation*

In accordance with section 733(d)(1) (19 U.S.C. 1673b(d)(1)) of the Act, we are directing the Customs Service to suspend liquidation of all entries of OCTG from Argentina, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**.

The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margin, as shown below. The suspension of liquidation will remain in effect until further notice.

Producer/manufacturer/exporter	Margin percentage
Siderca S.A.I.C .....	0.61
All others .....	0.61

#### *Postponement of Final Determination*

On December 16, 1994, in accordance with 19 CFR 353.20(b), Siderca requested that, in the event of an affirmative determination, the Department postpone the final determination. We find no compelling reason to deny the request. Accordingly, we are postponing the date of the final determination until not later than 135 days after the date of publication of this notice.

#### *ITC Notification*

In accordance with section 733(f) of the Act, we have notified the ITC of our preliminary determination.

If our final determination is affirmative, the ITC will determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry before the later of 120 days after the date of this preliminary determination or 45 days after our final determination.

#### *Public Comment*

In accordance with 19 CFR 353.38, case briefs or other written comments in at least ten copies may be submitted by any interested party to the Assistant Secretary for Import Administration no later than April 21, 1995, and rebuttal briefs no later than April 28, 1995. We request that parties in this case provide an executive summary of no more than two pages in conjunction with case briefs on the major issues to be addressed. Further, briefs should

contain a table of authorities. Citations to Commerce determinations and court decisions should include the page number where cited information appears. In preparing the briefs, please begin each issue on a separate page. In accordance with 19 CFR 353.38(b), we will hold a public hearing, if requested, to give interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held on May 2, 1995, at 10:00 a.m. at the U.S. Department of Commerce, Room 1414, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Parties should confirm the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B-099, within ten days of the publication of this notice in the **Federal Register**. Requests should contain: (1) The party's name, address, telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to the issues raised in the briefs.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f)) and 19 CFR 353.15(a)(4).

Dated: January 26, 1995.

**Susan G. Esserman,**  
*Assistant Secretary for Import Administration.*

[FR Doc. 95-2610 Filed 2-1-95; 8:45 am]

BILLING CODE 3510-DS-P

[A-588-835]

**Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Oil Country Tubular Goods From Japan**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**EFFECTIVE DATE:** February 2, 1995.

**FOR FURTHER INFORMATION CONTACT:** John Beck or Stuart Schaag, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C., 20230; telephone (202) 482-3464 or (202) 482-0192, respectively.

**Preliminary Determination**

We preliminarily determine that oil country tubular goods (OCTG) from Japan are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b).

**Case History**

Since the initiation of this investigation on July 20, 1994 (59 FR 37962, July 26, 1994), the following events have occurred.

On August 15, 1994, the U.S. International Trade Commission (ITC) issued an affirmative preliminary determination.

In August 1994, the Department requested information regarding manufacturers or exporters of the subject merchandise from the Japanese Ministry of International Trade and Industry (MITI). MITI informed the Department that Nippon Steel Corporation (Nippon) and Sumitomo Metal Industries, Ltd. (Sumitomo) were the main exporters of the subject merchandise, accounting for over 60 percent of Japanese exports to the United States. On August 30, 1994, the Department selected Nippon and Sumitomo as the mandatory respondents in this investigation. These two companies account for at least 60 percent of exports of OCTG from Japan during the period of investigation.

On August 31, 1994, the Import Administration's attaché in Tokyo informed us that Nippon and Sumitomo requested a questionnaire presentation. This questionnaire presentation took place in September 1994, at the MITI office in Tokyo.

On September 21, 1994, Nippon and Sumitomo informed the Department that, due to the complex and burdensome requirements of the Department's questionnaire, they were withdrawing from the investigation.

On November 10, 1994, Koppel Steel Corporation and U.S. Steel Group (a unit of USX Corporation) (the petitioners), timely requested that the Department postpone the preliminary determination, in accordance with section 733(c)(1) of the Act (19 U.S.C. 1673b(c)(1)), and 19 CFR 353.15(c). We did so on November 15, 1994 (59 FR 60130, November 22, 1994).

On January 11, 1995, in accordance with 19 CFR 353.20(b), Sumitomo requested that, due to the complex legal and factual issues in this investigation, the Department postpone the final determination. Nippon made a similar request on January 13, 1995.

**Scope of Investigation**

For purposes of this investigation, OCTG are hollow steel products of circular cross-section, including oil well casing, tubing, and drill pipe, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished or unfinished (including green tubes and limited service OCTG products). This scope does not cover casing, tubing, or drill pipe containing 10.5 percent or more of chromium. The OCTG subject to this investigation are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers:

7304.20.10.00, 7304.20.10.10, 7304.20.10.20, 7304.20.10.30, 7304.20.10.40, 7304.20.10.50, 7304.20.10.60, 7304.20.10.80, 7304.20.20.00, 7304.20.20.10, 7304.20.20.20, 7304.20.20.30, 7304.20.20.40, 7304.20.20.50, 7304.20.20.60, 7304.20.20.80, 7304.20.30.00, 7304.20.30.10, 7304.20.30.20, 7304.20.30.30, 7304.20.30.40, 7304.20.30.50, 7304.20.30.60, 7304.20.30.80, 7304.20.40.00, 7304.20.40.10, 7304.20.40.20, 7304.20.40.30, 7304.20.40.40, 7304.20.40.50, 7304.20.40.60, 7304.20.40.80, 7304.20.50.10, 7304.20.50.15, 7304.20.50.30, 7304.20.50.45, 7304.20.50.50, 7304.20.50.60, 7304.20.50.75, 7304.20.60.10, 7304.20.60.15, 7304.20.60.30, 7304.20.60.45, 7304.20.60.50, 7304.20.60.60, 7304.20.60.75, 7304.20.70.00, 7304.20.80.00, 7304.20.80.30, 7304.20.80.45, 7304.20.80.60, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.20.10.30, 7306.20.10.90, 7306.20.20.00, 7306.20.30.00, 7306.20.40.00, 7306.20.60.10, 7306.20.60.50, 7306.20.80.10, and 7306.20.80.50

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

**Period of Investigation**

The period of investigation (POI) is January 1, 1994, to June 30, 1994.

**Applicable Statute and Regulations**

Unless otherwise indicated, all citations to the Statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.